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October 28, 2003

Department of Homeland Security
United States Coast Guard

USCG-2003-14273-21

VIA FACSIMILE: 202-493-2251

RE: Notice of Proposed Rulemaking for Mandatory Ballast Water Management Program
for U.S. Waters

Dear USCG Docket Management Facility:

This is a comment letter on the NPR for creation of a mandatory ballast water management program for United States Waters. These comments are submitted on behalf of the Washington Public Ports Association, which represents the public port districts of the State of Washington. The members of our Association plan, build and maintain most of the non-petroleum marine terminal facilities that support the ocean-going vessels visiting Washington State. These port districts are located within three general waterbodies: Puget Sound, the outer Washington Coast and the Columbia River.

The Washington Public Ports Association supports the U.S. Coast Guard's establishment of mandatory ballast water management practices for all vessels equipped with ballast tanks bound for U.S. ports. This is because America's ports need internationally-recognized, nationally-consistent, effective rules to minimize the impacts of invasive species transported in ship's ballast.

This issue needs to be addressed at the international and national levels because of the global nature of the shipping business. Individual states, including Washington State, are understandably attempting to address this issue on their own. There is no practical method however, other than good intentions, to compel the states to adopt consistent laws and rules. In the absence of a strong Coast Guard program, we will see an inevitable polyglot of state-by-state ballast water discharge programs that will become economically unproductive and confusing to both vessel operators and ports.

Now is the perfect time for the Coast Guard to adopt regulations that create a strong national ballast water management program, because of the pending adoption by the International Maritime Organization (IMO) of a Convention addressing this very issue.

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We do have specific comments relating to two areas of the Coast Guard's proposal. The first is the issue of selecting a "distance-from-shore" standard versus a "depth-of-water" standard. Our Association will not comment on the biological or oceanographic advantages of one method over the other, but will say that we should pick one and not confuse things with an "either/or" standard. The final rule must be easily understood and consistent with IMO Guidelines, which probably argues in favor of a "distance from shore" standard.

Our second and most important comment is that this proposed rulemaking does not adequately address the issue of ballast water discharges from coastal traffic. While the rule gives some guidance on this topic, we believe that this guidance is not sufficiently detailed for most vessels engaged in coastal voyages on the U.S. West Coast.

For this reason, we strongly urge the U.S. Coast Guard to implement a regional ballast water initiative, tailored specifically to the oceanographic and vessel traffic patterns of the U.S. West Coast. There is ample precedent for special regional regulation in the Great Lakes. This regional strategy must be developed in consultation with the western states, as well as Canada. This consultation process can serve to further the assessment that the Coast Guard has made in the "federalism" section of this proposed rulemaking.

Obviously, there are many factors that will need to be thought through in developing such a regional approach, including the coastal vessel management traffic lanes, etc. But after taking into account the needs of the various states and Canada, the Coast Guard must develop a strong, consistent federal ballast water program for the U.S. West Coast that complements national and international programs.

If the many coastal factors that need to be accounted for cannot be addressed within the period of time that the Coast Guard has allotted for this rulemaking, then we urge you to reserve a special section of the rule for the Pacific Coast, to be adopted later after the necessary interactions with states and others. This will signal the intention of the Coast Guard to deal with this issue in the near future. Otherwise, we will be left with individual states writing laws that will not be integrated either with each other or with IMO guidelines.

Thank you very much for this opportunity to comment on the proposed ballast water management rules.

Sincerely,

WASHINGTON PUBLIC PORTS ASSOCIATION



Eric D. Johnson
Assistant Director